

LOCAL CIVIL RULE 4

SERVICE AND RETURN OF SUMMONS – ABATEMENT

(A) **Service and Abatement:** If service of a summons and complaint is sought other than under Fed. R. Civ. P. 4(d) but is not effected, the Marshal or other person responsible for effecting service shall return the summons and complaint to the Clerk with an endorsement thereon stating the reasons for failure to effect service.

All waivers of service obtained under Fed. R. Civ. P. 4(d) shall be filed within five (5) days after they are returned to plaintiff. Unless, within ~~one hundred and twenty (120)~~ ninety (90) days after the complaint is filed, a defendant has been served, or has appeared or has waived service, the Clerk shall abate the action and dismiss it without prejudice as to such defendant(s) after having given, but received no response to, the notice required by Fed. R. Civ. P. 4(m).

Where the United States, its officers, corporations, or agencies are served by mail pursuant to Fed. R. Civ. P. 4(i)(1)(A), service shall be effective on the date of the postmark or on the date received if there is no postmark or it is illegible. The United States Attorney shall file a certificate reporting the postmark and receipt dates.

(B) **Withholding Service:** Requests by a party to withhold the service of a summons and complaint, or a third-party summons and complaint upon parties as to whom waiver of service provisions are inapplicable shall not be granted by the Clerk without leave of Court first obtained; provided, however, that a party may request the Clerk to withhold the issuance and service of an *in rem* process upon advising the Clerk that the property subject to arrest or attachment is not within the jurisdiction or that arrangements have been made for the acceptance of service.

(C) **Civil Cover Sheet:** The Clerk shall require a complete and executed AO Form JS 44(a), Civil Cover Sheet, to accompany each civil action filed except as to actions filed by prisoners and other litigants proceeding *pro se*.

LOCAL CIVIL RULE 16

PRETRIAL CONFERENCE

(A) **Applicability of Rule 16:** Proceedings upon a defendant's default and matters involving habeas corpus petitions, other *pro se* prisoner petitions, bankruptcy proceedings, condemnation cases, forfeitures, and reviews from administrative agencies, are not subject to the provisions of this Local Rule, but the judge to whom any such case is assigned may, in his or her discretion, follow the procedure outlined herein in whole or in part in any case. (See Fed. R. Civ. P. 16(b).)

(B) **Initial Pretrial Conference and Order and Scheduling Order:** In all other civil actions, as promptly as possible after a complaint or notice of removal has been filed, the Court shall schedule an initial pretrial conference to be conducted in accordance with Fed. R. Civ. P. 16(b). In addition thereto, or in lieu thereof, not later than ~~ninety (90)~~ sixty (60) days from first appearance or ~~one hundred and twenty (120)~~ ninety (90) days after service of the complaint, the Court shall enter an order fixing the cut-off dates for the respective parties to complete the processes of discovery, the date for a final pretrial conference and, whenever practicable, the trial date, and providing for any other administrative or management matters permitted by Fed. R. Civ. P. 16 or by law generally.

The parties and their counsel are bound by the dates specified in any such orders and no extensions or continuances thereof shall be granted in the absence of a showing of good cause. Mere failure on the part of counsel to proceed promptly with the normal processes of discovery shall not constitute good cause for an extension or continuance.